

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NICKIE KANE,

Plaintiff,

-against-

ADVANCED CARE STAFFING, LLC; SAM
KLEIN; WILMA MANZANO; JUBERT ONG;
LUZ LOZANO; KASHIERIA FRANKLYN; LIZ
JURADO; REGINA MACHADO; JAN ROMWEL
LABRO; GIA GUERRA; OLA “DOE”,

Defendants.

21-CV-0060 (JPC)

ORDER OF SERVICE

JOHN P. CRONAN, United States District Judge:

Plaintiff brings this *pro se* action under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, 42 U.S.C. § 1981, the Rehabilitation Act of 1973, and the New York State and City Human Rights Laws. She alleges that her former employer discriminated against her based on her race, color, religion, sex, national origin, and disability. By order dated February 3, 2021, the Court granted Plaintiff’s request to proceed *in forma pauperis* (IFP).

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, Plaintiff is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that the summonses and complaint be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served

the summonses and complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date the summonses are issued. If the complaint is not served within that time, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service); *see also Murray v. Pataki*, 378 F. App'x 50, 52 (2d Cir. 2010) ("As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals' failure to effect service automatically constitutes 'good cause' for an extension of time within the meaning of Rule 4(m).").

To allow Plaintiff to effect service on Defendants Advanced Care Staffing, LLC, Sam Klein, Wilma Manzano, Jubert "JP" Ong, Luz Lozano, Kashieria Franklyn, Liz Jurado, Regina Machado, Jan Romwel Labro, Ola "Doe" and Gia Guerra through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of these defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these Defendants.

Plaintiff must notify the Court in writing if Plaintiff's address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is further instructed to issue summonses, complete the USM-285 forms with the addresses for Advanced Care Staffing, LLC, Sam Klein, Wilma Manzano, Jubert "JP" Ong, Luz Lozano, Kashieria Franklyn, Liz Jurado, Regina Machado, Jan Romwel Labro,

Ola “Doe” and Gia Guerra, and deliver all documents necessary to effect service to the U.S. Marshals Service.

SO ORDERED.

Dated: February 5, 2021
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written in a cursive style.

JOHN P. CRONAN
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Advanced Care Staffing, LLC
1000 Gates Avenue, #5b
Brooklyn, New York 11221
2. Sam Klein
c/o Advanced Care Staffing, LLC
1000 Gates Avenue, #5b
Brooklyn, New York 11221
3. Wilma Manzano
c/o Advanced Care Staffing, LLC
1000 Gates Avenue, #5b
Brooklyn, New York 11221
4. Jubert “JP” Ong
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5. Luz Lozano
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6. Kashieria Franklyn
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7. Liz Jurado
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8. Regina Machado
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9. Jan Romwel Labro
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10. Ola “Doe”
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11. Gia Guerra
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